

09/26/2005 11:38 FAX 5098383424

WELLS ST JOHN PS

001/008

PATENT & TRADEMARK  
OFFICE

Practitioner's Docket No. MI40-0358

2005 SEP 26 PM 3:07 PATENT

US PATENT & TRADEMARK  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roy Greeff

Application No.: 10/633,205 Group No.: 2635  
Filed: August 1, 2003 Examiner: Brian ZimmermanAssistant Commissioner for Patents and Trademarks  
P.O. Box 1450, Mail Stop 16, Alexandria VA 22313-1450  
ATTENTION: Refund Section, Accounting Division, Office of FinanceREQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

## I. REFUND REQUEST

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated July 19, 2005 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.  
A copy of the Fee Transmittal dated July 11, 2005, copy of the Petition for Extension, accompanies this request.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office. 571-273-8300 6500

Date: 26 Sept 2005

Rhonda G. Rambo  
Signature

Rhonda G. Rambo

(type or print name of person certifying)

(Request for Debit (Improper Credit of Deposit Account)—page 1 of 2)

6 total Pages

Adjustment date: 11/04/2005 EEKUBAY1  
07/19/2005 TCOLEY 00000001 230925 10633205  
01 FC:2202 125.00 CR

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002/006

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U.S.

2005 SEP 26 PM 3:07

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

| AMOUNT OF<br>REFUND<br>REQUESTED                                 | US PATENT & TRADEMARK<br>OFFICE |
|--|---------------------------------|
| Improper charge for <u>small entity</u> , Claims in Excess of 20 | \$125.00                        |
| <b>TOTAL REFUND REQUESTED</b>                                    | <b>\$125.00</b>                 |

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

We filed a response via facsimile on July 11, 2005 to the office communication dated March 10, 2005. At the time of filing this office action response via facsimile, authorization to charge our PTO Account was submitted on the Fee Transmittal for the following charges:

Supplemental IDS, \$180.00  
One, Month Extension of Time, \$120.00  
Two, Terminal Disclaimers, \$130.00 each  
Nine, additional Claims in Excess of 20, \$450.00

The above charges are correct and were charged properly to our PTO Account on July 13, 2005; however, the additional charge on July 19, 2005 for the amount of \$125.00, SMALL ENTITY, Claims in Excess of 20 is incorrect. The above mentioned client is Large entity and no further claims are due.

Therefore, no additional fees are believed to be required. Please credit Deposit Account No. 23-0925 with the above fee amount of \$125.00.

**IV. MANNER OF REFUND**

Please Credit Account No. 23-0925.

Date: 9/26/05

James D. Shaurette  
Reg. No. 38,933  
Wells St. John P.S.  
601 West First Ave., Suite 1300  
Spokane, WA 99201-3828  
Tel. No.: (509) 624-4276  
Customer No.: 021567

(Request for Debit (Improper Credit of Deposit Account)—page 2 of 2)

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Deposit Account Statement #230925

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|            |              |                                  |      |    |             |             |
|------------|--------------|----------------------------------|------|----|-------------|-------------|
| 07/13 88   | 10633205     | 02-607                           | 1202 | OK | \$450.00 ✓  | \$14,674.00 |
| 07/14 3    | 6692876      |                                  | 1811 |    | -\$100.00   | \$14,774.00 |
| 07/14 28   | SUBSCRIPTION |                                  | 8001 |    | \$3.00      | \$14,771.00 |
| 07/14 62   | 90006987     | TE2-0124                         | 1453 |    | \$1,500.00  | \$13,271.00 |
| 07/18 19   | 10624628     | MI22-2356                        | 1806 |    | \$180.00    | \$13,091.00 |
| 07/18 20   | 10624627     | MI22-2358                        | 1806 |    | \$180.00    | \$12,911.00 |
| 07/18 27   | 10624716     | MI22-2357                        | 1806 |    | \$180.00    | \$12,731.00 |
| 07/18 37   | 10669671     | M1422-2145                       | 1806 |    | \$180.00    | \$12,551.00 |
| 07/19 1    | 10633205     | 02-607 MI40-358 2202 3mell Intly | 2202 |    | \$125.00    | \$12,426.00 |
| 07/19 89   | 10325159     | MI22-2208                        | 1251 |    | -\$120.00   | \$12,306.00 |
| 07/19 90   | 10325159     | MI22-2208                        | 1202 |    | \$200.00    | \$12,106.00 |
| 07/19 119  | 09570365     | MI40-293                         | 1251 |    | \$120.00    | \$11,986.00 |
| 07/19 120  | 09570365     | MI40-293                         | 1202 |    | \$150.00    | \$11,836.00 |
| 07/19 121  | 09570365     | MI40-293                         | 1201 |    | \$600.00    | \$11,236.00 |
| 07/20 96   | 10633205     | 02-607                           | 1806 |    | \$180.00    | \$11,056.00 |
| 07/20 733  | 78673782     | LI13-130                         | 7001 |    | \$650.00    | \$10,406.00 |
| 07/21 21   | SUBSCRIPTION |                                  | 8001 |    | \$3.00      | \$10,403.00 |
| 07/21 733  | 78674732     | RO65-101                         | 7001 |    | \$325.00    | \$10,078.00 |
| 07/21 839  | 78674772     | PE41-103                         | 7001 |    | \$325.00    | \$9,753.00  |
| 07/22 7    | PAYMENT      |                                  | 9203 |    | -\$5,000.00 | \$14,753.00 |
| 07/25 2    | 10218252     |                                  | 9204 |    | -\$50.00    | \$14,803.00 |
| 07/26 1025 | 78215946     | PO31-101                         | 7004 |    | \$150.00    | \$14,653.00 |
| 07/28 1    | 10014310     | 32120-DIV                        | 1801 |    | \$790.00    | \$13,863.00 |
| 07/28 2    | 11158448     | 14330-E (BA4-251)                | 2202 |    | \$25.00     | \$13,838.00 |
| 07/29 376  | 2266637      | KE2-127                          | 7205 |    | \$100.00    | \$13,738.00 |
| 07/29 377  | 2266637      | KE2-127                          | 7208 |    | \$200.00    | \$13,538.00 |
| 07/29 615  | 78680914     | PO4-1255                         | 7001 |    | \$325.00    | \$13,213.00 |
| 07/29 687  | 2278319      | WA23-166                         | 7205 |    | \$100.00    | \$13,113.00 |
| 07/29 688  | 2278319      | WA23-166                         | 7208 |    | \$200.00    | \$12,913.00 |
| 07/29 748  | 2309598      | WA23-171                         | 7205 |    | \$100.00    | \$12,813.00 |
| 07/29 749  | 2309598      | WA23-171                         | 7208 |    | \$200.00    | \$12,613.00 |
| 07/29 1370 | 78428557     | RE35-113                         | 7003 |    | \$100.00    | \$12,513.00 |

| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE |
|---------------|----------------|------------------|-------------|
| \$14,124.00   | \$13,761.00    | \$12,150.00      | \$12,513.00 |

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WELLS ST JOHN PS

004/006

## Deposit Account Statement

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**United States  
Patent and  
Trademark Office**

DATE:

2005 SEP 26 TH 3 07

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**Deposit Account Statement**

**Requested Statement Month:** July 2005  
**Deposit Account Number:** 230925  
**Name:** WELLS ST JOHN PS  
**Attention:** RHONDA RAMBO  
**Address:** 601 WEST FIRST AVENUE SUITE 1300  
**City:** SPOKANE  
**State:** WA  
**Zip:** 99201-3817  
**Country:** UNITED STATES OF AMERICA

| DATE  | SEQ  | POSTING<br>REF | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT         | BAL         |
|-------|------|----------------|---------------------------|-------------|-------------|-------------|
| 07/01 | 553  | 78662021       | GI13-101                  | 7001        | \$325.00    | \$13,799.00 |
| 07/01 | 557  | 1968130        | RA24-101                  | 7205        | \$100.00    | \$13,699.00 |
| 07/01 | 558  | 1968130        | RA24-101                  | 7201        | \$400.00    | \$13,299.00 |
| 07/01 | 576  | 76371491       | PO4-1173                  | 7004        | \$150.00    | \$13,149.00 |
| 07/01 | 680  | 78186708       | PO4-1186                  | 7004        | \$150.00    | \$12,999.00 |
| 07/01 | 709  | 78186732       | PO4-1187                  | 7004        | \$150.00    | \$12,849.00 |
| 07/01 | 723  | 78186877       | PO4-1188                  | 7004        | \$150.00    | \$12,699.00 |
| 07/01 | 753  | 78280884       | PO4-1216                  | 7004        | \$150.00    | \$12,549.00 |
| 07/01 | 962  | 78662274       | TE2-1120                  | 7001        | \$650.00    | \$11,899.00 |
| 07/01 | 1599 | 1397918        | NO4-103                   | 7205        | \$100.00    | \$11,799.00 |
| 07/01 | 1600 | 1397918        | NO4-103                   | 7201        | \$400.00    | \$11,399.00 |
| 07/05 | 34   | 10624340       | MI22-2067                 | 1806        | \$180.00    | \$11,219.00 |
| 07/07 | 134  | 60695964       | IR3-073                   | 2005        | \$100.00    | \$11,119.00 |
| 07/07 | 1517 | 78665365       | IT2-149                   | 7001        | \$325.00    | \$10,794.00 |
| 07/11 | 15   | 10461529       | MI22-2337                 | 1806        | \$180.00    | \$10,614.00 |
| 07/11 | 16   | 10931526       | MI22-2667                 | 1806        | \$180.00    | \$10,434.00 |
| 07/11 | 17   | 10931526       | MI22-2667                 | 1202        | \$200.00    | \$10,234.00 |
| 07/11 | 20   | 09814260       | M122-1663                 | 1806        | \$180.00    | \$10,054.00 |
| 07/11 | 1917 | 78667498       | ZA1-172                   | 7001        | \$325.00    | \$9,729.00  |
| 07/12 | 30   | 10769430       | MI22-2490                 | 1251        | \$120.00    | \$9,609.00  |
| 07/12 | 58   | PAYMENT        |                           | 9203        | -\$7,000.00 | \$16,609.00 |
| 07/12 | 112  | 78667584       | ZA1-171                   | 7001        | \$325.00    | \$16,284.00 |
| 07/12 | 666  | 2365308        | PO4-1120                  | 7205        | \$100.00    | \$16,184.00 |
| 07/12 | 667  | 2365308        | PO4-1120                  | 7208        | \$200.00    | \$15,984.00 |
| 07/12 | 1448 | 2356512        | SK8-101                   | 7205        | \$100.00    | \$15,884.00 |
| 07/12 | 1449 | 2356512        | SK8-101                   | 7208        | \$200.00    | \$15,684.00 |
| 07/13 | 77   | 10633205       | 02-607                    | 1251        | \$120.00 ✓  | \$15,564.00 |
| 07/13 | 78   | 10633205       | 02-607                    | 1806        | \$180.00 ✓  | \$15,384.00 |
| 07/13 | 79   | 10633205       | 02-607                    | 1814        | \$130.00 ✓  | \$15,254.00 |
| 07/13 | 80   | 10633205       | 02-607                    | 1814        | \$130.00 ✓  | \$15,124.00 |

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no burdens are imposed in connection with a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**1010.00**

Complete if Known

2005 SEE

26 PT 3:08

Application Number  
**10/633,205**Filing Date  
**08/01/2003**First Named Inventor  
**Graeff et al.**US PATENT & TRADEMARK  
OFFICEExaminer Name  
**B. Zimmerman**Art Unit  
**2635**Attorney Docket No.  
**MI40-358**

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number **23-0925** Deposit Account Name **Wells St. John, P.S.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 Under 37 CFR 1.18 and 1.17

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## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |              | SEARCH FEES |              | EXAMINATION FEES |              | Fee Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|---------------|
|                  | Fee (\$)    | Small Entity | Fee (\$)    | Small Entity | Fee (\$)         | Small Entity |               |
| Utility          | 300         | 150          | 500         | 250          | 200              | 100          | _____         |
| Design           | 200         | 100          | 100         | 50           | 130              | 65           | _____         |
| Plant            | 200         | 100          | 300         | 150          | 160              | 80           | _____         |
| Reissue          | 300         | 150          | 500         | 250          | 600              | 300          | _____         |
| Provisional      | 200         | 100          | 0           | 0            | 0                | 0            | _____         |

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims   | Fee (\$) | Fee Paid (\$) |
|--------------|----------------|----------|---------------|
| 60           | - 20 or HP = 9 | x 50.00  | = 450.00      |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
| - 3 or HP =   | x            | =        | _____         |

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 =      | / 50 =       | (round up to a whole number)                     | x        | _____         |

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Supplemental IDS, Reg. For Ext.; 2 Terminal Disclaimers

Fee Paid (\$)

\$560.00

## SUBMITTED BY

|                   |                    |   |                        |
|-------------------|--------------------|---|------------------------|
| Signature         |                    | Registration No.<br>(Attorney/Agent) 38,933 | Telephone 509-824-4276 |
| Name (Print/Type) | James D. Shaurette | Date  | 7/11/05                |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/22 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

| <b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b><br><b>US PATENT &amp; TRADEMARK</b><br><b>FY 2005</b><br><small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>   |                              | Docket Number (Optional)<br><br><b>MI 40-358</b> |                  |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
|---|------------------------------|--|------------------|------------|-------------------------|---|-------|------|------------------|---|-------|-------|----------|---|--------|-------|----------|--|--------|-------|----------|--|--------|--------|----------|
| Application Number <b>10/633,205</b>  |                              | Filed <b>August 1, 2003</b>                      |                  |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| For <b>Roy Greeff et al.</b>  |                              |  |                  |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| Art Unit<br><br><b>2635</b>   | Examiner <b>B. Zimmerman</b> |  |                  |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table> <thead> <tr> <th></th> <th style="text-align: center;"><u>Fee</u></th> <th style="text-align: center;"><u>Small Entity Fee</u></th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$120</td> <td style="text-align: center;">\$60</td> <td style="text-align: center;"><b>\$ 120.00</b></td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$450</td> <td style="text-align: center;">\$225</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1020</td> <td style="text-align: center;">\$510</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1580</td> <td style="text-align: center;">\$795</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2160</td> <td style="text-align: center;">\$1080</td> <td style="text-align: center;">\$ _____</td> </tr> </tbody> </table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiencies required or credit any overpayment, to Deposit Account Number <b>23-0925</b>. I have enclosed a duplicate copy of this sheet.</p> |                              |  |                  | <u>Fee</u> | <u>Small Entity Fee</u> | <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$120 | \$60 | <b>\$ 120.00</b> | <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$450 | \$225 | \$ _____ | <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1020 | \$510 | \$ _____ | <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1580 | \$795 | \$ _____ | <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2160 | \$1080 | \$ _____ |
|   | <u>Fee</u>                   | <u>Small Entity Fee</u>                          |                  |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))   | \$120                        | \$60   | <b>\$ 120.00</b> |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))   | \$450                        | \$225  | \$ _____         |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))   | \$1020                       | \$510  | \$ _____         |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))  | \$1580                       | \$795  | \$ _____         |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))  | \$2160                       | \$1080   | \$ _____         |            |                         |   |       |      |                  |   |       |       |          |   |        |       |          |  |        |       |          |  |        |        |          |

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Provide credit card information and authorization on PTO-2038.

I am the  applicant/inventor. assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). attorney or agent of record. Registration Number **39,833**. attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34

2005 SEP 26 Fri 3:03

US PATENT & TRADEMARK  
OFFICE Date

Signature

**James D. Shaurette**

Typed or printed name

**509-624-4276**

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of **1** forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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